

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

NINETY-SECOND LEGISLATIVE DAY
MONDAY, APRIL 13, 2009

Senate Chamber

President Little called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Coiner and Jorgenson, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Katrina Clayson, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 10, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Coiner was recorded present at this order of business.

April 10, 2009

The JUDICIARY AND RULES Committee reports that [SCR 103](#), [SCR 104](#), [SCR 105](#), [SCR 106](#), [SCR 107](#), [SCR 108](#), [SCR 109](#), [SCR 110](#), and [SJM 101](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [SCR 103](#), [SCR 104](#), [SCR 105](#), [SCR 106](#), [SCR 107](#), [SCR 108](#), [SCR 109](#), [SCR 110](#), and [SJM 101](#) and ordered them transmitted to the House for the signature of the Speaker.

April 13, 2009

The JUDICIARY AND RULES Committee reports that [S 1086](#), as amended in the House, and [S 1088](#), as amended in the House, have been correctly engrossed.

DARRINGTON, Chairman

[S 1086](#), as amended in the House, and [S 1088](#), as amended in the House, were filed for first reading.

April 10, 2009

The FINANCE Committee reports out [H 298](#) with the recommendation that it do pass.

CAMERON, Chairman

[H 298](#) was filed for second reading.

April 10, 2009

The STATE AFFAIRS Committee reports out [S 1184](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[S 1184](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senator Jorgenson was recorded present at this order of business.

April 10, 2009

Dear Mr. President:

I transmit herewith [H 300](#), [H 301](#), and [H 302](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 300](#), [H 301](#), and [H 302](#) were filed for first reading.

April 10, 2009

Dear Mr. President:

I return herewith [S 1186](#), [S 1145](#), and [S 1141](#), as amended, as amended, which have passed the House.

ALEXANDER, Chief Clerk

[S 1186](#), [S 1145](#), and [S 1141](#), as amended, as amended, were referred to the Judiciary and Rules Committee for enrolling.

April 10, 2009

Dear Mr. President:

I transmit herewith Enrolled [H 230](#), [H 242](#), [H 161](#), as amended, [H 97](#), as amended, [H 241](#), and [H 252](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 230](#), [H 242](#), [H 161](#), as amended, [H 97](#), as amended, [H 241](#), and [H 252](#) and ordered them returned to the House.

April 10, 2009

Dear Mr. President:

I return herewith Enrolled [S 1013](#), [S 1015](#), [S 1020](#), as amended, [S 1022](#), [S 1108](#), as amended, [S 1146](#), [S 1153](#), [S 1154](#), and [S 1158](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1013](#), [S 1015](#), [S 1020](#), as amended, [S 1022](#), [S 1108](#), as amended, [S 1146](#), [S 1153](#), [S 1154](#), and [S 1158](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1207

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR GENERAL EDUCATION PROGRAMS AT BOISE STATE UNIVERSITY, IDAHO STATE UNIVERSITY, LEWIS-CLARK STATE COLLEGE, THE UNIVERSITY OF IDAHO AND FOR THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2010; ESTABLISHING AMOUNTS TO BE EXPENDED FOR SYSTEMWIDE PROGRAMS; DIRECTING THE STATE BOARD OF EDUCATION TO PROVIDE A SYSTEM OF REPORTING FACULTY AND STAFF TURNOVER; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; DIRECTING THE TRANSFER OF CERTAIN FUNDS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1208

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR PROFESSIONAL-TECHNICAL EDUCATION FOR FISCAL YEAR 2010; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES;

PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; DIRECTING THE TRANSFER OF CERTAIN FUNDS; AND DECLARING AN EMERGENCY.

S 1209

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR THE COMMISSION ON AGING FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE COMMISSION ON AGING FOR FISCAL YEAR 2009; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1210

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AUTHORIZING FUND DEPOSITS; DIRECTING THAT THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND ONLY OPERATE THE NECESSARY NUMBER OF COTTAGES; DIRECTING THAT THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND ENTER INTO CERTAIN AGREEMENTS WITH ENTITIES THAT USE CAMPUS FACILITIES; PROVIDING LEGISLATIVE INTENT FOR PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1211

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT FOR PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1212

BY FINANCE COMMITTEE

AN ACT

RELATING TO FEDERAL STIMULUS SPENDING; APPROPRIATING ADDITIONAL MONEYS TO THE MILITARY DIVISION FOR FISCAL YEAR 2009; APPROPRIATING ADDITIONAL MONEYS TO THE MILITARY DIVISION FOR FISCAL YEAR 2010; REAPPROPRIATING ANY UNEXPENDED AND UNENCUMBERED FUND BALANCE; AND DECLARING AN EMERGENCY.

S 1213

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO LOCAL GOVERNMENT; AMENDING SECTION 37-401, IDAHO CODE, TO DELETE ARCHAIC LANGUAGE, TO PROVIDE THAT THE IDAHO

DEPARTMENT OF AGRICULTURE SHALL COORDINATE WITH THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ENSURE THAT DAIRY FARMS COMPLY WITH APPLICABLE AIR QUALITY LAWS, TO STATE THE INTENT OF THE LEGISLATURE, TO PROVIDE THAT LOCAL GOVERNMENTS ARE PREEMPTED FROM IMPOSING CERTAIN REQUIREMENTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6529, IDAHO CODE, TO RESTRICT THE AUTHORITY OF BOARDS OF COUNTY COMMISSIONERS FROM REGULATING AIR OR WATER QUALITY RELATING TO CERTAIN AGRICULTURAL OPERATIONS AND TO PROVIDE THAT COUNTIES SHALL NOT IMPOSE CERTAIN REGULATIONS ON THE OPERATION OF PROPOSED CONFINED ANIMAL FEEDING OPERATIONS; AMENDING SECTION 67-6529B, IDAHO CODE, TO REVISE LEGISLATIVE FINDINGS; AMENDING SECTION 67-6529D, IDAHO CODE, TO DELETE REFERENCE TO LOCAL REGULATION; AND AMENDING SECTION 67-6529G, IDAHO CODE, TO PROVIDE THAT COUNTIES SHALL NOT IMPOSE OR REQUIRE CERTAIN REGULATIONS ON PROPOSED CONFINED ANIMAL FEEDING OPERATIONS.

S 1214
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO UNEMPLOYMENT BENEFITS; AMENDING SECTION 72-1367A, IDAHO CODE, TO PROVIDE FOR A STATE "ON" INDICATOR RELATING TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, TO PROVIDE CRITERIA, TO REVISE PROVISIONS RELATING TO A STATE "OFF" INDICATOR, TO PROVIDE AN ADDITIONAL CRITERION FOR A STATE "OFF" INDICATOR, TO PROVIDE FOR TOTAL EXTENDED BENEFIT AMOUNTS IN HIGH UNEMPLOYMENT PERIODS, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

S 1215
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO FOOD SERVICE IN PUBLIC BUILDINGS; AMENDING SECTION 67-6902, IDAHO CODE, TO REVISE THE DEFINITION OF "PUBLIC BUILDINGS" AND TO MAKE TECHNICAL CORRECTIONS.

S 1216
BY FINANCE COMMITTEE
AN ACT

APPROPRIATING MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT FOR PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1207, S 1208, S 1209, S 1210, S 1211, S 1212, S 1213, S 1214, S 1215, and S 1216 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

S 1086, as amended in the House, and S 1088, as amended in the House, by Transportation Committee, were read the first time at length and filed for second reading.

H 300, H 301, and H 302, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

April 13, 2009

The JUDICIARY AND RULES Committee reports that S 1207, S 1208, S 1209, S 1210, S 1211, S 1212, S 1213, S 1214, S 1215, and S 1216 have been correctly printed.

DARRINGTON, Chairman

S 1207, S 1208, S 1209, S 1210, S 1211, S 1212, and S 1216 were referred to the Finance Committee.

S 1213 was referred to the Agricultural Affairs Committee.

S 1214 was referred to the Commerce and Human Resources Committee.

S 1215 was referred to the State Affairs Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 281, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

H 282, H 283, H 284, H 290, H 291, H 292, H 293, H 294, H 295, H 296, and H 297, by Appropriations Committee, were read the second time at length and filed for third reading.

H 269, by Education Committee, was read the second time at length and filed for third reading.

S 1205 and S 1206, by Finance Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

The President announced that Senator McKague requested and has received an excused absence for a portion of the morning session.

H 146, as amended, having been held, having previously been read the third time at length and debate having previously been opened, was before the Senate for final consideration. Senator Bock arose as sponsor of the bill and reopened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Lodge, McGee, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 32.

NAYS—Bilyeu, LeFavour. Total - 2.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [H 146](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[S 1199](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [S 1199](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1200](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [S 1200](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1201](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator

Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [S 1201](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1202](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [S 1202](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1203](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [S 1203](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1110](#), as amended in the House, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [S 1110](#), as amended in the House, passed, title was approved, and the bill referred to Judiciary and Rules Committee for enrolling.

[S 1121](#), as amended in the House, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [S 1121](#), as amended in the House, passed, title was approved, and the bill referred to Judiciary and Rules Committee for enrolling.

[H 261](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [H 261](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, [H 262](#) retained its place on the Third Reading Calendar for one legislative day.

[H 229](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 32.

NAYS—Bock. Total - 1.

Absent and excused—Goedde, McKague. Total - 2.

Total - 35.

Whereupon the President declared [H 229](#) passed, title was approved, and the bill ordered returned to the House.

[H 245](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Goedde, Hammond, Heinrich, Hill, Kelly, Keough, LeFavour, Lodge, McGee, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 28.

NAYS—Fulcher, Geddes, Jorgenson, McKenzie, Mortimer, Pearce. Total - 6.

Absent and excused—McKague. Total - 1.

Total - 35.

Whereupon the President declared [H 245](#) passed, title was approved, and the bill ordered returned to the House.

[H 251](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Andreason arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis,

Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–McKague. Total - 1.

Total - 35.

Whereupon the President declared [H 251](#) passed, title was approved, and the bill ordered returned to the House.

[H 244](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–McKague. Total - 1.

Total - 35.

Whereupon the President declared [H 244](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 253](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Cameron, McKague. Total - 2.

Total - 35.

Whereupon the President declared [H 253](#) passed, title was approved, and the bill ordered returned to the House.

[H 260](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–McKague. Total - 1.

Total - 35.

Whereupon the President declared [H 260](#) passed, title was approved, and the bill ordered returned to the House.

[H 265](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 265](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the following House bills were placed as follows at the foot of the Third Reading Calendar: [H 268](#), [H 272](#), [H 273](#), [H 274](#), [H 277](#) and [H 280](#).

On request by Senator Davis, granted by unanimous consent, [H 266](#) retained its place on the Third Reading Calendar.

[H 240](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 240](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 264](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

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AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 264](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, [H 266](#) was placed before the Senate for final consideration at this time.

[H 266](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 266](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Kelly, by voice vote the Senate recessed at 12:05 a.m. until the hour of 2 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 2 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senators Cameron, Coiner, Siddoway, and Stegner, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

April 13, 2009

The STATE AFFAIRS Committee reports out [H 275](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[H 275](#) was filed for second reading.

Senator Stegner was recorded present at this order of business.

The STATE AFFAIRS Committee reports out [H 267](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCKENZIE, Chairman

There being no objection, [H 267](#) was referred to the Fourteenth Order of Business, General Calendar.

April 13, 2009

The FINANCE Committee reports out [S 1207](#), [S 1208](#), [S 1209](#), [S 1210](#), [S 1211](#), [S 1212](#), and [S 1216](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1207](#), [S 1208](#), [S 1209](#), [S 1210](#), [S 1211](#), [S 1212](#), and [S 1216](#) were filed for second reading.

April 13, 2009

The FINANCE Committee reports out [H 300](#), [H 301](#), and [H 302](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 300](#), [H 301](#), and [H 302](#) were filed for second reading.

Senator Cameron was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

April 13, 2009

Dear Mr. President:

I transmit herewith [H 299](#) and [H 287](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 299](#) and [H 287](#) were filed for first reading.

April 13, 2009

Dear Mr. President:

I return herewith [S 1054](#) and [SJM 102](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1054](#) and [SJM 102](#) were referred to the Judiciary and Rules Committee for enrolling.

April 13, 2009

Dear Mr. President:

I return herewith Enrolled [S 1096](#), [S 1129](#), [S 1151](#), [S 1170](#), [S 1171](#), [S 1172](#), [S 1173](#), and [S 1174](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1096](#), [S 1129](#), [S 1151](#), [S 1170](#), [S 1171](#), [S 1172](#), [S 1173](#), and [S 1174](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

April 13, 2009

Dear Mr. President:

I return herewith Enrolled [SJR 101](#), which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [SJR 101](#) was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

Senator Coiner was recorded present at this order of business.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, [HCR 25](#), having been held, was placed before the Senate at this time.

The President announced that [HCR 25](#) was before the Senate for final consideration.

Moved by Senator Stegner, seconded by Senator Kelly, that [HCR 25](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Siddoway. Total - 1.

Total - 35.

Whereupon the President declared [HCR 25](#) adopted, title was approved, and the resolution ordered returned to the House.

The President announced that [SCR 112](#) was before the Senate for final consideration.

Moved by Senator McGee, seconded by Senator Bilyeu, that [SCR 112](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Siddoway. Total - 1.

Total - 35.

Whereupon the President declared [SCR 112](#) adopted, title was approved, and the resolution ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Call of the Senate was requested by Senator Darrington.

Whereupon the President ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present except Senator Siddoway.

The President directed the Sergeant at Arms to find and present Senator Siddoway to the Senate.

Senator Siddoway was recorded present.

On request by Senator Darrington, granted by unanimous consent, the Call was lifted.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 281](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 281](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 281](#) passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 269](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 269](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 269](#) passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [S 1205](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[S 1205](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1205](#) passed, title was approved, and the bill ordered transmitted to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [S 1206](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[S 1206](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1206](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [H 262](#) was placed at the foot of the Third Reading Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 3:05 p.m. until the hour of 9:30 a.m., Tuesday, April 14, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary